UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

April 26, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:
LU-9J

Mr. Michael L. Stoelton
Johnson Controls, Inc.
Automotive Experience
49200 Halyard Drive
Plymouth, Michigan 48170

RE: Sediment Remedial Design Plan and Addendum to Sediment Remedial Design Plan
Former Stanley Tools Work Site, 425 Frank Street, Fowlerville, Michigan (MID 099 124 299)

Dear Mr. Stoelton:

The United States Environmental Protection Agency has completed its review of Johnson Controls, Inc (JCI) Sediment Remedial Design Plan and Addendum to Sediment Remedial Design Plan, dated January 2010 and November 2010 respectively. These documents were submitted pursuant to the requirements of the December 30, 2002 Administrative Order on Consent (AOC) and in accordance with the "Final Decision and Response to Comments, Selection of Remedial Alternatives For Johnson Controls, Inc.," Document, dated December 2006. The Sediment Remedial Design represents the final component of the final corrective measures implementation for the JCI site. As outlined in the Design Plan, EPA concurs with the selection of Option 2 as the preferred sediment removal alternative for contaminated sediments of the Red Cedar River. According to the Design Plan, Option 2 will remove an estimated 1,019 cubic yards of contaminated sediment. Sediments will be excavated in accordance with EPA specified remedial objectives, R5 RCRA Ecological Screening Levels and where appropriate, Consensus Based Sediment Quality Guidelines (CBSQG) Probable Effect Concentration (PEC).

Additionally, EPA believes that several additional "hotspot areas" of the remaining in-channel sediments that are not part of the Design Plan Remedy are to be included. These "hotspot areas" are located along the stretch of river beginning from transect H northward to transect L. Specifically, data show a sediment arsenic concentrations of 44 parts per million (ppm) at location SD-M1 and 170 ppm at location SD-P3; these locations exceed an arsenic probable effects concentration (PEC) of 33 ppm and corresponds with 76.9% toxic samples which is an unacceptable risk. This and following references to percent (%) toxic samples is based upon an evaluation of toxicity studies by MacDonald et al. 2000 (Arch Environ Contam Toxicol 39:20-31), which is used to support the sediment Midpoint Effect Concentration (MEC) and PEC benchmarks. Based on the work of MacDonald et al. the PEC accurately predicts sediment toxicity. Arsenic at these sites also exceeds the site specific background value of 37 ppm. Though JCI contends that the contamination north of Grand River Avenue is due to

industrial/municipal run-off and are not site related; EPA is aware of past historical solid waste management units (SWMUs) in these areas, and is not convinced that these SWMUs were not likely the major contributing sources of the contamination. As such, the higher arsenic value (170 ppm) at location SD-P3 (approximately 390 feet downstream of Grand River Ave) is to be included as part of the sediment remediation.

Use of a nickel MEC of 36 ppm (62.7% toxic samples) at location SD-I3 is not acceptable to screen out this contaminant. The nickel value of 39 ppm at this location also exceeds the site-specific background value of 21.6 ppm. Measured chromium of 102 ppm (also at location SD-I3) exceeds the MEC of 76.5 ppm and is very close to the PEC of 111 ppm (91.7% toxic samples). Sediment remediation is recommended for this location, which is the next downstream location from the sediment removal area.

Sediment at locations SD-O2 and SD-N3 have many individual polycyclic aromatic hydrocarbons (PAH) compounds that exceed MEC and/or PEC values which is unacceptable. In addition, total PAHs of 12,350 ppb at location SD-N3 exceeds a MEC of 12,205 ppb (65.1% toxic samples) and the total PAHs of 11,049 ppb at location SD-O2 corresponds to 60% toxic samples. This high level of toxicity for total PAHs at both locations is an unacceptable risk. Sediment remediation is recommended for these two locations (immediately downstream of Grand River Ave).

EPA is expecting that JCI will begin implementation of the Sediment Remedial Design Plan and Plan Addendum upon receipt of this letter. As outlined in the proposed schedule of the January 2010 Sediment Remedial Design Plan, it is EPA's goal to have implementation of the corrective measures no later than the fall 2011.

Upon completion the sediment excavation, JCI is required in accordance with the December 2002, 3008(h) Administrative Order on Consent, to complete a Final Remedy Construction Complete Report within sixty days after sediment remediation has been completed.

EPA is looking forward to your continued cooperation. Please feel free to contact me at your discretion.

Sincerely,

Juan Thomas
Project Manager

cc: Jennifer Bolger, Gonzales, Saggio and Harlan LLP (electronic copy)
Andrew Lonergan, CTI and Associates (electronic copy)
Dave Slayton, MDNRE (electronic copy)
Tom Williams, ORC (electronic copy)
Dan Mazur, LCD (electronic copy)